

SENATE BILL No. 178

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-14-77; IC 25-15-9-8.

Synopsis: Cemetery rehabilitation grants. Creates the cemetery rehabilitation grant fund. Provides that the state board of funeral and cemetery service administers and controls the fund. Allows a political subdivision to apply to the fund for a grant to rehabilitate a cemetery. Allows the state board of funeral and cemetery service, subject to budget agency approval, to employ the personnel necessary to efficiently administer the fund. Requires that an applicant for a grant prove financial need and agree to use the grant to rehabilitate a cemetery. Limits grants to \$10,000 or less.

Effective: July 1, 1999.

Paul

January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 178

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-14-77 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1999]:

4 **Chapter 77. Cemetery Rehabilitation Grant Fund**

5 **Sec. 1. (a) As used in this chapter, "board" means the state**
6 **board of funeral and cemetery service under IC 25-15-9.**

7 **(b) As used in this chapter, "eligible entity" means a political**
8 **subdivision (as defined in IC 36-1-2-13).**

9 **(c) As used in this chapter, "fund" means the cemetery**
10 **rehabilitation grant fund established in section 2 of this chapter.**

11 **Sec. 2. (a) There is created a fund to be known as the "cemetery**
12 **rehabilitation grant fund" from which grants may be made to**
13 **eligible entities in accordance with this chapter and the rules**
14 **adopted under this chapter.**

15 **(b) The board shall administer and control the fund. The board**
16 **may adopt rules under IC 4-22-2 for the proper administration of**
17 **the fund and this chapter. The board, subject to the approval of the**

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1 budget agency, may employ personnel as necessary for the efficient
2 administration of this chapter.

3 **Sec. 3. (a) The board may receive and accept for purposes of the**
4 **fund grants, gifts, and contributions from public and private**
5 **sources, including, on behalf of the state, grants from agencies and**
6 **instrumentalities of the United States.**

7 **(b) Money in the fund does not revert to the state general fund**
8 **but must be used exclusively for the purposes of this chapter. The**
9 **treasurer of state shall invest money not currently needed to meet**
10 **the obligations of the program in the same manner as other public**
11 **funds may be invested. Interest that accrues from these**
12 **investments must be credited to the fund. The board, subject to the**
13 **approval of the governor and state budget director, may direct the**
14 **auditor of state to make any approved grant from the fund to any**
15 **eligible entity. The money granted must be used by the recipient**
16 **for the rehabilitation of a cemetery.**

17 **(c) The costs and expenses of administering the fund may be**
18 **paid from the fund.**

19 **Sec. 4. (a) To be eligible to receive a grant from the fund, an**
20 **eligible entity must apply to the board on forms provided by the**
21 **board.**

22 **(b) The board may approve a grant to an eligible entity for the**
23 **rehabilitation of a cemetery if the eligible entity:**

- 24 **(1) proves financial need for the grant; and**
- 25 **(2) agrees to use the grant for cemetery rehabilitation.**

26 **(c) Rehabilitation of a cemetery includes, but is not limited to,**
27 **the following:**

- 28 **(1) Restoring or repairing headstones, grave markers, or**
29 **memorials in the cemetery.**
- 30 **(2) Restoring or repairing a cemetery building.**
- 31 **(3) Restoring the grounds of the cemetery, including tree**
32 **cutting, debris and trash cleanup, landscaping, and road**
33 **repair.**

34 **(d) A grant from the fund may not exceed ten thousand dollars**
35 **(\$10,000).**

36 **SECTION 2. IC 25-15-9-8 IS AMENDED TO READ AS**
37 **FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The board shall do**
38 **the following:**

- 39 **(1) Adopt rules under IC 4-22-2 to do the following:**
 - 40 **(A) Establish standards for the sale and payment of funeral or**
 - 41 **burial services or merchandise in advance of need.**
 - 42 **(B) Establish the terms of contracts authorized under**



- 1 IC 30-2-13.
 2 (C) Implement IC 30-2-13.
 3 (2) Register and issue certificates to sellers of merchandise or
 4 services under IC 30-2-13.
 5 (3) Determine compliance with this article by persons engaged in
 6 the sale and payment of funeral or burial services or merchandise
 7 in advance of need under IC 30-2-13.
 8 (4) Investigate any complaint alleging a violation of IC 30-2-13.
 9 (5) Set fees under IC 25-1-8.
 10 (6) For a violation of this article or IC 30-2-13 by a person
 11 engaged in the sale and payment of funeral or burial services or
 12 merchandise in advance of need under IC 30-2-13, if necessary,
 13 take any combination of the following actions:
 14 (A) Issue an appropriate order to correct the violation.
 15 (B) Suspend the seller's certificate of authority.
 16 (C) Permanently revoke the seller's certificate of authority.
 17 (D) Censure the seller.
 18 (E) Issue a letter of reprimand to the seller.
 19 (F) Place the seller on probation.
 20 (G) Assess a civil penalty against the seller in an amount not
 21 to exceed one thousand dollars (\$1,000) for each violation,
 22 except for a finding of incompetency due to a physical or
 23 mental disability. When imposing a civil penalty, the board
 24 shall consider the seller's ability to pay the amount assessed.
 25 If the seller fails to pay the civil penalty within the time
 26 specified by the board, the board may suspend the seller's
 27 certificate of authority without additional proceedings.
 28 However, a suspension may not be imposed if the sole basis
 29 for the suspension is the seller's inability to pay a civil penalty.
 30 (H) Refer the matter to the attorney general or prosecuting
 31 attorney for enforcement.
 32 (7) In addition to any actions taken under subdivision (6),
 33 permanently revoke a seller's certificate of authority, if the seller
 34 demonstrates a pattern or practice of violating the following
 35 provisions:
 36 (A) The requirement under IC 30-2-13-12 that all property
 37 paid or delivered to fund a contract for prepaid services or
 38 merchandise be irrevocably deposited to trust or escrow thirty
 39 (30) days after the contract is signed.
 40 (B) The prohibition against knowingly inducing a purchaser to
 41 breach an existing contract under IC 30-2-13-13(e).
 42 **(8) Administer and control the cemetery rehabilitation grant**



1 **fund under IC 23-14-77.**

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